

REMARKS

This is intended as a full and complete response to the Final Office Action dated September 6, 2006, having a shortened statutory period for response set to expire on December 6, 2006. Applicant submits this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-22 are pending in the application. Claims 1-19 remain pending following entry of this response. Claims 20-22 have been canceled.

Claim Rejections - 35 U.S.C. § 102

Claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by *Muller* (US Patent 6,044,418). These claims have been canceled, thus rendering this rejection moot.

Claim Rejections - 35 U.S.C. § 103

Claims 1-5, 7, 9-12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Muller* (US Patent 6,044,418) in view of *Welch et al.* (US Patent 6,735,633 B1, hereinafter, "*Welch*") and in further view of *Mammen* (US PG Publication 2004/0047367 A1).

Claims 6 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the collective teachings of *Muller*, *Welch* and *Mammen*, and in further view of *Gil* (US Pat Publication 2004/0064664 A 1).

Applicant respectfully traverses these rejections as follows

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in

the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejections fail to establish at least the third criteria.

As Applicant has previously submitted (in Applicant's Response filed May 31, 2006), the references, even if combined as suggested by the Examiner in the Office Action, fail to teach or suggest the use of a logic network that writes and reads data *from a plurality of data classes into a plurality of buffer regions wherein each data class is written into and read from a different buffer region*, as recited in independent claims 1 and 8.

In the Final Office Action dated September 6, 2006, the Examiner addresses (and rejects) Applicant's argument, stating on pages 13-14:

... Applicant's contention that neither Welch nor Mammen teaches the use of different data classes is not commensurate with the scope of the claim limitation. The claims (1 and 8) recite "a plurality of data classes", and "each data class is written into and read from a different buffer region". Claim 1 and 8 require more than one data class, but by no means must each class be different as argued by Applicant. The only requirement as set forth is that they are stored separately (in different buffer regions). Muller does in fact teach the logic network as writing and reading data from a plurality of data classes into different buffer regions - col. 1, line 54 through col. 2, line 1 and col. 6, lines 26-34. Unique sets of data and information are stored into separate buffer regions in order to enable the partition to store information or data unique to its corresponding network port (i.e. class of data).

In this passage, The Examiner asserts that, according to claims 1 and 8, "by no means must each class be different as argued by Applicant" and that "the only requirement as set forth is that they are stored separately (in different buffer regions)." The Examiner further asserts that, since *Muller* teaches "reading data from a plurality of data classes into different buffer regions," *Muller* thus teaches the recited element. Applicant respectfully disagrees with this interpretation of claims 1 and 8.

To clarify, the recited claim element is “that each data class is written into and read from a different buffer region.” To restate, each data class, of a plurality of data classes, is written to a different buffer region. The purpose of any valid classification scheme is to separate (i.e., classify) items into distinct groupings (i.e., classes). Thus, a given class must, by definition, be distinct from other classes. Applying this definition to the recited claim element yields the result that each data class of a plurality of data classes is distinct from the other data classes. Applicant respectfully submits that, contrary to the Examiner’s assertion, the data classes recited in claims 1 and 8: a) are not only stored separately, but b) are also different from the other data classes. Thus, the recited claim element is not taught or suggested by the cited reference.

For these reasons, Applicant submits claims 1 and 8, as well as their dependents are allowable and withdrawal of this rejection with respect to these claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed. Failing the allowance of the claims, Applicant believes that he has established valid grounds for appeal.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Randol W. Read at (713) 623-4844, to discuss strategies for moving prosecution forward toward allowance or, if necessary, towards appeal proceedings.

Respectfully submitted,



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